

REMARKS

Claim 1-33 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-56 of copending Application No. 09/504,803. Applicant respectfully asks the Examiner to reconsider this rejection.

First, Applicant notes that the provisional double patenting rejection in the outstanding Office Action is the only basis for rejection cited by the Examiner. Applicant respectfully submits that this is improper. As recognized in MPEP 804(I)(b), "If the 'provisional' double patenting rejection is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the 'provisional' double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent." Thus, a "provisional" double patenting rejection cannot form the only basis for rejection of an application. Unless there is some other basis for rejection, the current application should be allowed to issue, at which time, a double patenting rejection can be made in Application No. 09/504,803.

Secondly, Applicant respectfully submits that the double patenting rejection is improper in that the two "conflicting" applications do not claim the same invention or an obvious variant thereof. More specifically, all of Claims 1-33 of the present application require elements which are not disclosed, taught or suggested by any claim of Application No. 09/504,803.

Claims 1-11 of the present application all require, among other elements, the following:

...said first trading party profile comprising an indication of enrichment options for said first trading party and said second trading party profile comprising an indication of enrichment options for said second trading party;

a plurality of enrichment databases having enrichment data stored thereon; and

software executing on said computer for enriching said trade execution information with enrichment data retrieved from said plurality of enrichment databases in accordance with the enrichment options of the first trading party profile and for enriching said trade allocation information with enrichment data retrieved from said plurality of enrichment databases in accordance with the enrichment options of the second trading party profile.

(emphasis added). However, none of the claims of Application No. 09/504,803 disclose, teach or suggest in any way such enrichment options contained in the trading party profiles, and/or the use of such enrichment options for enriching the trade execution information or the trade allocation information.

Claims 12-17 of the present application all require, among other elements, the following:

...software executing on said computer for retrieving from said database a first trading party profile based upon the first trading party identification and upon trade criteria and a second trading party profile based upon the second trading party identification and upon trade criteria;...

(emphasis added). These highlighted elements are important in that, as discussed in detail in Paragraph [0035] of the present application, such a design allows streamlined access to multiple trading party profiles for each party and selection of the specific trading party profile required based upon attributes of the trade itself. However, none of the claims of Application No. 09/504,803 disclose, teach or

suggest in any way that trading party profiles can be retrieved based upon the trading party identification and upon trade criteria.

Claims 18-21 of the present application all require, among other elements, the following:

...software executing on said computer for retrieving from said database a first trading party profile based on the first trading party identification and a second trading party profile based on the second trading party identification, at least one of said first trading party profile and said second party profile comprising an indication for a timer to be set and an indication of a specified time period for the timer;... and

software executing on said computer for generating and transmitting, if no match is found to exist within the specified time period for the timer, a notification to at least one of the first trading party and the second trading party indicating that no match has been found to exist.

(emphasis added). However, again, none of the claims of Application No. 09/504,803 disclose, teach or suggest in any way such a timer indication or period specified in the trading party profile, and/or the use of such a timer in determining when and if to send a notification.

Claims 22-33 of the present application contain all of the highlighted elements discussed in all three of the above-identified groups of claims.

Thus, all claims include elements which are not contained in or in any way obvious in view of any claim of Application No. 09/504,803. As such, Applicant respectfully requests that the double patenting rejection be withdrawn.

Moreover, in view of the fact that that the Office Action itself should have never been issued because an Office Action which contains only a provisional double patenting rejection is improper, Applicant respectfully submits that the

present Office Action not be counted when determining finality of subsequent Office Actions should such further Office Actions be required.

For the foregoing reasons, Applicant respectfully submits that all pending claims, namely Claims 1-33, are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,



Wesley W. Whitmyer, Jr., Reg. No. 33,558
Todd M. Oberdick, Reg. No. 44,268
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, Connecticut 06905-5619
(203) 324-6155
Attorneys for Applicant

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Amendments to the Drawings:

No amendments are made to the Drawings herein.